

MAY-16-2006 10:11 From: CNH NH PATENT

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**CERTIFICATION UNDER 37 C.F.R. sections 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being:

☐ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

☐ 37 C.F.R. section 1.8(a)  
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☒ transmitted by facsimile to the Patent and Trademark Office (571) 273-8300.

Date: May 16, 2006

*12 total pages*  
*S. A. R.*

*2 - Response  
2 - Comb. Decl. & Decl.  
2 - Copy of Notice  
6 - Translation as Filed*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Ralf Schmeling

Serial No. 10/561,755

Filed: 12/21/2005

For:  
BEARING BETWEEN COMPONENTS ON  
CONSTRUCTION MACHINE

)  
) Group Art Unit 3671  
) Confirmation No. 1610  
)  
) Examiner: N. Y. A.  
)  
)  
) Attorney Docket: 18213  
)

May 16, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF MISSING PARTS**

In response to the Notice to File Missing Parts mailed March 21, 2006, submitted herewith is a copy of the signed combined declaration and power of attorney along with a copy of the Notice. An additional surcharge of \$130 is due as set forth in 1.16(f). The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-0780 as well as any other fee which the Commissioner determines to be due.

The notice of missing parts also indicated that the current translation of the application into English is defective as the number of claims in the International Application and the number of claims in the translation are not the same. Applicant respectfully disagrees as the total number of claims in the foreign priority document and English translation document as originally submitted on December 21, 2005 are both 4. Attached is a copy of the English translation as originally submitted by the Applicant on December 21, 2005 of the international application as downloaded May 16, 2006 from PAIR. Page 6 of said translation

05/19/2006 HKAYPAGH 00000137 140780 10561755

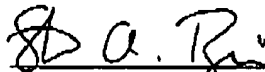
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02 FC:1618 130.00 DA

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shows 4 total claims, the same number of claims shown in the foreign priority paper as confirmed in PAIR. Applicant also notes that the substitute specification submitted on December 21, 2005 is the document which contains 5 claims as the content of the 4 original claims was slightly rewritten to form the additional claim. As such, it is believed that translation document as originally filed is correct and as such no further document submission or fee is due.

Applicants' undersigned attorney may be reached at the phone and fax numbers listed below.

Respectfully submitted,



Stephen A. Buccianeri  
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U.S. APPLICATION NUMBER NO. 10/561,755	FIRST NAMED APPLICANT Ralf Schmeling	ATTY. DOCKET NO. 18213
INTERNATIONAL APPLICATION NO. PCT/DB04/01216		
I.A. FILING DATE 06/11/2004		PRIORITY DATE 06/24/2003

25542  
CNH AMERICA LLC  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
PO BOX 1895, M.S. 641  
NEW HOLLAND, PA 17557

CONFIRMATION NO. 1610  
371 FORMALITIES LETTER  
\*OC000000018309543\*

Date Mailed: 03/21/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/21/2005
- Copy of the International Search Report filed on 12/21/2005
- Information Disclosure Statements filed on 12/21/2005
- Oath or Declaration filed on 12/21/2005
- U.S. Basic National Fees filed on 12/21/2005
- Priority Documents filed on 12/21/2005
- Non-English Language Application filed on 12/21/2005
- Specification filed on 12/21/2005
- Claims filed on 12/21/2005
- Abstracts filed on 12/21/2005
- Drawings filed on 12/21/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
  - The number of claims in the International Application and the number of claims in the translation are not the same.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

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- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - Is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$260 for a Large Entity:

- \$130 Surcharge.
- \$130 for English translation surcharge required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL.

Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/561,755	PCT/DE04/01216	18213

FORM PCT/DO/EO/905 (371 Formalities Notice)